

11-19-03

GP1637

Attorney's Docket No.: 16597-003001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Michael E. Houston et al. Art Unit : 1637
Serial No. : 09/882,774 Examiner : Young J. Kim
Filed : June 14, 2001
Title : USE OF COILED-COIL STRUCTURAL SCAFFOLD TO GENERATE
STRUCTURE-SPECIFIC PEPTIDES

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

This Response to Restriction Requirement is being submitted in response to the Office Action mailed on September 22, 2003, for the above-captioned application. The Examiner set a one (1) month period for response. A petition for a one (1) month extension accompanies this Response, which is being filed on or before its current due date of November 22, 2003.

Responsive to the Office Action, applicant elects the invention of Group I. Group I contains claims 1-11, 14-27 and 57 drawn to a peptide comprised of formula I, a method of its making, as well as a composition comprising the peptide and its method of eliciting an immune response, classified in class 530, subclass 300. The election is made with traverse for the reasons set forth below.

There are two criteria for a proper requirement for restriction between patentably distinct inventions:

- (a) The inventions must be independent or distinct as claimed; and
- (b) There must be a serious burden on the Examiner if restriction is not required.

MPEP §803. If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. *Id.*

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In the instant application, there would not be a serious burden on the Examiner if Groups III and IV are rejoined. Group III is drawn to an antibody specific for peptides comprising formula I, and Group IV is drawn to a pharmaceutical composition comprising the antibody of Group III. Since the Examiner will be searching for the antibody when examining claims of Group IV, rejoining Groups III and IV will not impose a serious burden on the Examiner.

Similarly, applicant respectfully requests that Groups I, II and V be rejoined. Group I is drawn to, *inter alia*, peptides of formula I. For example, claim 1 is directed to a synthetic peptide of the formula I:



wherein

A is Ile, Leu, Val or a derivative thereof;

D is Leu, Ile, Val or a derivative thereof;

each X is an amino acid residue or derivative thereof which corresponds to an amino acid residue of an epitope of a native coiled-coil protein;

the X residues in each (AXDXXX) repeat form a set of X residues; and n is equal to or greater than 1.

Group II contains two claims, claims 12 and 13, which ultimately depend from claim 1. Therefore, claims 12 and 13 contain all the elements of claim 1. Pursuant to MPEP §806.04(d), once a generic claim is allowed, all of the claims drawn to species will ordinarily be allowable. Therefore, examination of Groups I and II together will not be a serious burden on the Examiner.

Group V is drawn to vaccine compositions comprising the peptide of claim 1. Consequently, search and examination of Group V along with Group I will not be a serious burden on the Examiner.

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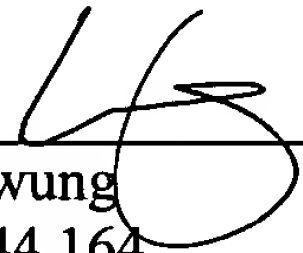
Accordingly, applicant respectfully requests the rejoining of Groups I, II and V to a single group of claims 1-27, 35-41 and 57, as well as the rejoining of Groups III and IV to a single group of claims 28-34.

Please apply any outstanding charges or credits in connection with this filing to Deposit Account No. 06-1050.

Should the Examiner have any questions, a telephone call to the undersigned attorney for applicant would be appreciated. Early examination of this application on the merits is earnestly solicited.

Respectfully submitted,

Date: 11/7/2003



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